



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/533,358

04/29/2005

Hiroshi Miyagi

A-494

7161

802 7590 11/02/2007
PATENTTM.US
P. O. BOX 82788
PORTLAND, OR 97282-0788

EXAMINER

CHOW, CHARLES CHIANG

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

11/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/533,358

Applicant(s)

MIYAGI ET AL.

Examiner

Charles Chow

Art Unit

2618

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-2, 5-7, 12-18, 21-28.
Claim(s) withdrawn from consideration: 3-4, 8-11, 19-20.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding the amended limitation features in independent claims 1, 17, after final office action, from the features in claim 3, for the wherein said crystal oscillation is used for generating a reference signal inputted to a frequency synthesizer for generating a local oscillator signal,

Schetelig-'229 B2 teaches the crystal oscillator 26 for providing reference signal to synthesizer local signal generation 27, to generate local oscillator signal to mixer 17 [Fig. 1, col. 5, lines 28-37]. Crystal oscillator 26 also provide signal to generating test signal via 28 [abstract]. Besides, It is well known in the art, that a crystal oscillator can provide reference signal to a synthesizer to generate a local oscillator signal.

Regarding the argument for Lai-'509 in a different configuration from claim 1, due to the crystal 33 is to connected to a DSP 27 & the output of the DSP is inputted to a switch 21 [page 10 of applicant's amendment 8/2/2007]; the argument for Lai's 10 MHz is not divided [page 11 of applicant's amendment 8/2/2007],

Lai-'509 teaches the DSP 27 for receiving reference signal 10 MHz from crystal 33, for generating AM band test signal 535 to 1605 KHz [col. 4, lines 55-68], using the frequency divider [col. 4, line 65]. The 10 MHz oscillating frequency has been reduced to 535 to 1065 KHz in DSP 27, to generate AM band carriers, for the equivalence to applicant's configuration for crystal 22, 21, 24, switch 25 [Fig. 1].

Regarding the argument for no simple configuration to achieve the generation of the test signal from Fukuda, due to the exclusive reference oscillator 23 is connected only to HARMONICS GE 6,

Fukuda does teach the simple generating of test signal, as in claim 17, by utilizing only a reference oscillator 23 & a multiplying harmonic generator 6 [note, there is no multiplier shown in applicant's Figure 1 to 6]. Besides, Lai also teaches the simple inclusive multiplier in DSP for generating FM band test signal with from the harmonics of 10 MHz crystal 33 & DSP 27 [col. 4, lines 55-64 & col. 5, lines 21].

cc.


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600